

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JOHN TOMILSON,

Petitioner,

v.

ALLEN LAZAROFF, Warden,

Respondent.

CASE NO. 2:07-cv-583

JUDGE GRAHAM

MAGISTRATE JUDGE ABEL

**ORDER**

On February 29, 2008, the Magistrate Judge issued a *Report and Recommendation* recommending that respondent's motion to dismiss (doc. 3) be denied pending review of the transcripts of petitioner's guilty plea and sentencing and directing respondent to submit transcripts for the Court's review. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed. On March 14, 2007, respondent filed a supplemental memorandum in response to the Magistrate Judge's recommendation. See Doc. No. 7.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. Respondent's motion to dismiss (doc. 3) is **DENIED** without prejudice pending review of the transcripts of petitioner's guilty plea and sentencing.

**IT IS SO ORDERED.**

Date: March 24, 2008

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s/James L. Graham  
James L. Graham  
United States District Judge